



Entered on Docket
October 04, 2010

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³ Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR¹
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR²
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

Order Sustaining Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole Or In Part Upon Investment In The Huntsville Loan aka the West Hills Park Loan Loan

Date of Hearing: September 23, 2010

Time of Hearing: 10:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to
2 Proofs of Claim Based In Whole Or In Part Upon Investment In the Huntsville Loan aka
3 the West Hills Park Loan Loan” [DE 8141] (the “Objection”); the Court having heard the
4 Objection on September 23, 2010; appropriate notice of the Objection having been given;
5 no response to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 8141] is sustained;
8 2. The claims listed on **Exhibit A** attached are disallowed in full for the
9 reasons set forth in the objection.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

13 By/s/ John Hinderaker (AZ 18024)
14 Robert M. Charles, Jr.
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
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17 *Attorneys for USACM Liquidating Trust*

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021
23 In accordance with Local Rule 9021, the undersigned certifies:
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- The Court waived the requirements of approval under LR 9021.
 - This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
 - This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
 - I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

| | |
|--|---|
| 13 U.S. Trustee: | |
| 14 <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| 15 <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| 16 Other Party: | |
| 17 <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| 18 <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

20 Submitted by:
21 LEWIS AND ROCA LLP22 By: /s/ John Hinderaker
23 Attorneys for USACM Liquidating Trust24 # # #
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EXHIBIT A

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Huntsville Loan |
|--------------|--|---|---------------------------|---|
| 10725-01188 | Aleko Petro | 6224 Lone Cypress Court Las Vegas, NV 89141 | \$50,000.00 | \$50,000.00 |
| 10725-02443 | Rhoda Dybvig Schaefer Revocable Lvg Tr Dtd 7/29/02 | c/o Rhoda Dybvig Schaefer Ttee 678 Skyline Road Henderson, NV 89002 | \$50,500.00 | \$50,500.00 |
| 10725-01200 | Ruby Simon | 8728 Castle View Ave Las Vegas, NV 89129- 7680 MAIL WAS RETURNED NO FORWARDING ADDRESS AVAILABLE | \$56,000.00 | \$56,000.00 |
| 10725-00688 | David Sterling | P.O. Box 1509 Pahrump, NV 89041 | \$3,484.61 | \$3,484.61 |
| 10725-01785 | Ralph E. and Maryanne H. Worthing | 443 Arboles Dr Bishop, CA 93514 | \$50,000.00 | \$50,000.00 |
| 10725-01839 | Anthony Zerbo | 780 Saratoga Ave #S107 San Jose, CA 95129 | \$50,516.00 | \$50,516.00 |